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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,506

12/03/2003

Choong-Jae Lee

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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

07/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,506	Applicant(s) LEE, CHOONG-JAE	
	Examiner PHYLESHA L. DABNEY	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-17, 20, 21, 24-26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-17, 20, 21, 24-26 and 30 is/are rejected.
- 7) ☒ Claim(s) 2 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/3/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment response on 3 March 2008 in which claims 1, 3-11, 13-17, 20-21, 24-26, and 30 are pending and claims 2, 12, 18-19, 22-23, 27-29, and 31-42 were cancelled.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: With respect to claim 20, the specification fails to teach a housing having two buffer members (newly amended claim 1) and a reinforcing member (dependent claim 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, **3-11, 13-15, 17, 20, 30, and 43-44** are rejected under 35 U.S.C. 103(a) over Makino et al (U.S. Publication No. 2004/0077385) in view of Inubushi (U.S. Patent No. 6,064,453).

Regarding claims 1, 5, 8-10, 30, and 43-44, Markino teaches a mobile terminal having a for a display module, comprising: an upper cover (22), a lower cover (21) configured to be

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attached to the upper cover; a display module (20) disposed between the upper cover and the lower cover, the display module comprising at least a sub display (5) and a main display (4).

Makino does not teach the construction of the display module.

Inubushi teaches a display a buffering member (7) disposed between at least a portion of the upper cover (Inubushi, 1) and the sub display (display, 4) and configured to prevent an external force applied to the upper cover from being transmitted to the display module (col. 2 lines 4-8); and a rib (1) formed at an opening portion of the upper cover, wherein the buffering member (figs. 3, 7) comprises a first buffering member disposed (7) between an inner surface of the upper cover and an upper surface of the sub display, and a second buffer (9) member disposed between the inner surface of the upper cover and at least one of a side surface or the upper surface of the sub display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prevent an external force being applied.

Regarding claims 3-4, and 13, the combination of Makino and Inubushi teaches the mobile terminal of claim 1, wherein the buffering member comprises a resin material (rubber, 7) having a predetermined elasticity.

Regarding claims 6-7, the rejection of claim 1 above supports all of the limitations of claim 6 except, wherein the buffering member comprises a plurality of vent holes provided along a surface of the buffering member.

However, the Examiner takes official notice that it is known to structure a buffering member to include venting to prevent moisture buildup. Therefore, it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to structure the buffering member of the combination of Makino and Inubushi for the reason above.

Regarding claims 11 and 17, the combination of Makino and Inubushi teaches the housing of claim 10, wherein the buffering member further comprises a second buffering member (9) disposed between an inner surface of the upper cover and an upper surface of the display module, wherein the second buffering member is configured to absorb an impact generated by a laterally applied force on the protrusion portion.

Regarding claims 14-16, see the rejection of claims 1, 10 and 11 relative to figures.

Regarding claim 20, the combination of Makino and Inubushi teaches the housing of claim 1, further comprising a first reinforcing member (8, 9) disposed at an inner surface of the protrusion portion of the upper cover and configured to reinforce a strength of the protrusion portion of the upper cover.

Allowable Subject Matter

3. Claim **25** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims **21, 24, and 26** are allowed.

Response to Arguments

5. With respect to the Applicant's argument pertaining to claims **1** and **6** that the combination of Makino and Inubushi fails to teach *a buffer member comprising first and second buffers*, the Examiner disagrees. Inubushi teaches first buffer (7) and second buffer (9). Therefore, the rejection is maintained.

6. With respect to the Applicant's statement pertaining to the officially noticed facts of claim **6**, it is permissible to use Official Notice as long as the facts asserted to be well-known or to be common knowledge are capable of instant and unquestionable demonstration. See Lee, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions). In this instance, the Examiner cites Fuse et al (U.S. Publication No. 2003/0064638 A1, paragraphs 0030-0031).

Further, to adequately traverse such a finding, an Applicant must specifically point out the supposed errors in the examiner's action, which would include stating "why" the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also Chevenard, 139 F.2d at 713, 60 USPQ at 241. A general allegation (in this instance, no allegation) that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate.

Thus, the Applicant's reference to the Examiner's assertion was inadequate for the reasoning underlined above, the Examiner's common knowledge or well-known in the art statements are taken to be admitted prior art because Applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate (MPEP 2144.03).

7. With respect to the Applicant's argument pertaining to claim **14** and **30** that the combination of Makino and Inubushi fails to teach *a protrusion portion that extends from a substantially flat portion up to an opening portion of the upper cover*, the Examiner disagrees. As shown in figures 2 and 3, Inubushi teaches the construction of the display module, wherein there is a protrusion portion extending from a substantially flat portion up to an opening portion of the upper cover. Therefore, the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHYLESHA L. DABNEY whose telephone number is (571)272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 5, 2008

PLD

/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614